IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

OP.No. 32576 of 2001(C)

PETITIONER:

K.VINOD, KAPLINGHAT HOUSE,
RAMAVARMAPURAM P.O., THRISSUR 680 631.

BY ADV. SRI.MATHEW ZACHARIAH
SRI.KOSHY GEORGE

RESPONDENTS:
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1. THE CHAIRMAN & MANAGING DIRECTOR,
BANK OF BARODA, HEAD OFFICE MANDVI, BARODA.

2. THE MANGER, BANK OF BARODA, PULLAZHI BRANCH
KANJANI ROAD, PULLAZHI 680012, THRISSUR DISTRICT.

BY ADV. SRI.B.S.KRISHNAN (SR.)
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.53076 OF 2001 IN OP NO.32576 OF 2001 C

//DISMISSED//

28.06.2007. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE LETTER FROM THE BRANCH MANAGER, PULLAZHI BRANCH DTD.21.1.92.

EXT.P2: TRUE COPY OF THE LETTER DTD.18.1.1994 ISSUED BY THE REGL. MANAGER, BANK OF BARODA.

EXT.P3: TRUE COPY OF LTHE LETTER DTD.21ST MARCH, 1995.

EXT.P4: TRUE COPY OF THE LETTER DTD.5TH SEPTEMBER, 1995.

EXT.P5: TRUE COPY OF THE APPEAL LPETITION DTD.28.9.1995.

EXT.P6: TRUE COPY OF THE REPLY FROM THE BRANCH MANAGER, PULLAZHI DTD.10.11.95.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.32576 OF 2001

Dated this the 28th day of June, 2007

JUDGMENT

Petitioner's father, Sri.M.K.Radhakrishnan died on 10.1.1992, while in the employment of the Bank of Baroda. The Bank promptly communicated to his widow, the terms of the scheme for compassionate appointment then available. It appears that the widow of the employee is a teacher in the S.K.V. College, Thrissur. She, thereafter, requested the Bank to provide employment to the petitioner, her son. The Bank, in 1994, wrote back saying that the offer of employment for the minor son would be kept open till he becomes a major. He attained majority on 27.3.1995 and his mother again wrote to the Bank. The petitioner was then interviewed and found ineligible for compassionate appointment.

2. On record is the fact, as disclosed by Ext.P3, that in March, 1995, the petitioner was undergoing B.Com. degree course at S.K.V. college, Thrissur where his mother was a Selection Grade

Lecturer then and had a few more years' service left to attain superannuation. With the passage of time and the availability of alternate employment for the widow, it is apparent that the family of the deceased did not require any assistance by way of compassionate appointment, having regard to their financial status immediately following the demise of the employee. The respondents are, therefore, justified in taking the view that the family did not require such assistance.

3. Learned counsel for the petitioner specifically pointed out the pleadings in para 7 of the writ petition where it is stated that certain individuals have been given appointment on compassionate basis, allegedly, in preference to the petitioner. It is argued that many of those persons were much better placed than the petitioner and preference ought to have been given to the petitioner, or at least the petitioner should have been placed at par and extended the same benefits.

4. However, having regard to the law as laid by the bunch of decisions governing the field, including **State Bank of India** v. **Aspal Kaur** {2007 (2) KLT SN 12 (Case No.18)} and **Union Bank of India & Others** v. **M.T.Latheesh** (2006 AIR SCW 4626), the petitioner is not entitled to any relief. However, even if I were to make a comparative evaluation at this distance of time and to hold that those persons were given appointments otherwise not in accordance with law as noticed above, it is impermissible to extend the benefit by applying the equality principle where the equality sought to be attained is with appointments against legal principles as noticed above. May be that it would have been proper for the Bank to put the reasons in a communication that was addressed to the petitioner or his mother, refusing compassionate appointment to the petitioner.

The writ petition fails, the same is accordingly dismissed. No costs.

Sd/-
THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO. 32576 OF 2001

JUDGMENT

28TH JUNE, 2007.

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